

REMARKS

The three-month period for responding to the initial Office Action expired on June 2, 2011. A Petition for a Three-month Extension of Time and the associated fee are submitted herewith. Accordingly, this Amendment is timely filed.

Reconsideration of this application, as amended, is respectfully requested. By this Amendment, an informality in the specification is being corrected, claim 7 is being cancelled without prejudice, and claim 1 is being amended to more particularly point out and distinctly claim the subject invention. The addition of "new matter" has been scrupulously avoided. Claims 1-6 and 8-10 remain in this application.

In the initial Office Action, the drawings were objected to under 37 CFR 1.83(a) because the "elastic return means" of claim 7 was not depicted in the drawings. Claim 7 was also rejected under 35 U.S.C. 112, first paragraph as allegedly failing to comply with the enablement requirement because the "elastic return means" was supposedly not recited in the specification or shown in the drawings.

Applicant respectfully notes that the "elastic return means" is mentioned in line 15 on page 4 and in line 30 on page 5 of the original specification. Furthermore, Applicant notes that the primary reference cited by the Examiner shows a leaf spring 114 which could readily serve as the "elastic return means" of claim 7. Nevertheless, Applicant has chosen to cancel claim 7 thereby rendering both the objection to the drawings and the rejection of claim 7 moot.

Claims 1-5 (and apparently claims 7-10), as previously presented, stand rejected under 35 U.S.C. 102(b) as allegedly anticipated by Zucherman et al. (Published US Patent Application No. 2002/0072752 A1). Claim 6 stands rejected under 35 U.S.C. 103(a) as allegedly obvious over Zucherman et al. in view of Ramamurti et al. (US Patent No. 6,635,072 B1).

These rejections, to the extent that they may be deemed applicable to the claims as now presented, are respectfully, but most strenuously traversed for the following reasons.

Independent claim 1 has been amended to specify that the two arms of the clamp are pivotally connected to each other and to specify that the first means prevents the jaws, when supporting the clip, from over-opening the clip beyond a limited extent at which an angle between the flanges and the web of the clip is greater than 90°. Support for the first amendment will be found in lines 12-14 on page 5 of the original specification and in the

drawings; support for the second amendment will be found in line 17-20 on page 5 of the original specification and in the drawings. (See particularly Figures 1 and 3.)

Amended independent claim 1 is directed to a clamp comprising two arms that are pivotally connected to each other. The arms have opposed gripping jaws supporting and positioning a superelastic osteosynthesis clip. The clip comprises a web from which two flanges to be inserted into two portions of bone, emerge. The clip further comprises: first means for preventing the jaws, when supporting the clip, from over-opening the clip beyond a limited extent at which an angle between the flanges and the web is greater than 90°; and a second means for preventing the jaws from being closed beyond a point at which the angle between the flanges and the web is substantially 90°.

Claim 1 now specifically recites the clamp in combination with the superelastic osteosynthesis clip for which the clamp is specifically designed.

Applicant respectfully submits that the combination defined by amended independent claim 1 is not taught, disclosed or suggested by the primary reference.

Zucherman et al. is **not** directed to a clamp that supports and positions a superelastic osteosynthesis clip; rather, the primary reference is directed to an implant sizer and distracter that serves a completely different purpose than the present invention.

Further, Applicant's claimed first and second means for limiting over-opening and subsequent limited closing, respectively, of the flanges of the claimed superelastic osteosynthesis clip are absent from this reference. In the rejection, the Examiner refers to reference number 212 in Fig. 3c as the equivalent of Applicant's claimed first means and reference number 112, in the same Fig. 3c, as equivalent to Applicant's second means. However, 212 is a gauge and not a motion limit stop. See paragraph [0050] of this reference.

Clearly, amended independent claim 1 is not anticipated by Zucherman et al. The secondary reference to Ramamurti et al. adds nothing that would overcome these basic deficiencies of the primary reference.

For all of the above reasons, independent claim 1, as now presented, is believed to be in condition for allowance. The dependent claims are allowable for the same reasons as independent claim 1, from which they all ultimately depend, as well as for their additional limitations.

Accordingly, all of the claims remaining in this application are believed to be in condition for allowance, and such action is respectfully requested.

If it would advance the prosecution of this application, the Examiner is cordially invited to contact Applicant's representative at the below indicated telephone number.

Respectfully submitted,



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